

man, I should like to ask the intent of the Committee with respect to section 7.09 and its possible limitations. This section I should presume applies either to existing municipalities or municipalities that may be created in the future, and says either the General Assembly or the county may grant power to those municipalities without any limits whatever, while 7.08 discusses grant of powers which the county has with respect to new ones.

Is this removal of limitation intended?

DELEGATE MOSER: I am not with you on there being a limitation in 7.08 and no limitation in 7.09.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: In 7.08, line 15 and 16, "The county may by law grant to and withdraw from the municipalities any and all powers of the counties."

DELEGATE BURDETTE: But in 7.09 lines 24 and 25, either the General Assembly or the county by law may grant additional powers to municipal corporations without any limit on those municipal corporations.

I would say that that would give a county governing body power from the people to grant to the municipal corporations almost anything it pleased, and further the General Assembly could not withdraw it because it specifies "the granting authority may withdraw such power."

DELEGATE MOSER: I think it is implicit that the county cannot grant any power it does not have. I think this is fairly obvious, or at least it seemed that way to us. It is intended to mean that they can grant to municipal corporations only those additional powers which the county itself has.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: Would you interpret that to mean that if the General Assembly took away from the county this particular type of power, it would also automatically take it away from municipalities? Apparently there is no way that the General Assembly could take a power away from municipalities unless it takes the power away from counties by interpretation.

DELEGATE MOSER: It could legislate by public general law withdrawal of this power. To structure it precisely, one can say the General Assembly is supreme. When it withdraws a power or function

from counties the power or function would also be withdrawn from the municipality to which the county had granted it.

THE CHAIRMAN: Delegate Hanson, do you have a question?

DELEGATE HANSON: I have a series of questions that I hope may clarify a few points for myself and perhaps for others.

In answer, Chairman Moser, to a question by Delegate Marion concerning section 7.03 where the term "by law" is used regarding the power of the General Assembly to provide by law for instruments of government for those counties not adopting their own by 1972, you seem to say that the section meant that the General Assembly would provide one instrument for use by all counties.

It seems to me there may be some confusion between your response to that question, the way the section reads, and page 16 of your committee memorandum, lines 5 through 8, which seem to suggest that this language means the General Assembly must provide optional forms for adoption by the counties.

Do you mean the General Assembly must provide only one form, or that the General Assembly may provide options from which the counties may select?

DELEGATE MOSER: It may be there is confusion between two sentences. The second sentence of 7.03 requires a choice of procedures. This choice has to be the same for all counties, but there must be a choice. The next sentence is intended to mean that there would be one instrument of government, just one, as I answered it before.

If it would be clearer with the insertion of the words "public general law" they may be added. But it really is not quite a public general law; it is a law which sets forth a single charter. If you look at Code Article 23(B), you can see how we intend it to be done.

DELEGATE HANSON: I am bothered by the way I read the section on its face, if it may be construed to mean that the General Assembly may legislate individually for each county not having adopted a charter; I gather from your response that this is incorrect?

DELEGATE MOSER: That is correct. It is incorrect.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: I want to be sure that I am clear that you mean that